



## MINUTES

### REGULAR COUNCIL MEETING

September 2, 2008

The City Council of the City of Forest Hill met on the above date at 7:00 p.m. with Mayor Gosey presiding. The following council members and officials were present: Council Member Damian Dalcour, Lyndia Thomas, Gerald Joubert, Dulani Masimini, Drew Sanders, Mayor Pro Tem Mustafa Sami, City Manager David Miller, City Secretary Debbie Maness, Fire Chief Pat Ekiss, Police Chief Rex Phelps, Finance Director Clifford Blackwell, III, Economic Development and Community Relations Director Venus Wehle, and City Attorney Bonnie Goldstein.

#### Opening Agenda:

**I. Call to Order**

With a quorum present, Mayor Gosey called the meeting to order at 7:00 p.m.

**II. Invocation**

Delivered by Mayor Pro Tem Sami

**III. Pledge to Flags**

Pledge to the United States and Texas flags were led by Emmit Earle

**IV. Oath of Office to Glenn Lewis, Municipal Court Judge**

Oath of Office was administered to Glenn Lewis by Judge Terry Lewis

**V. Citizens Presentation**

Mr. Roderick Singleton of 6429 Melinda Drive, Forest Hill, TX expressed his concerns about the number of traffic stops by motor officers.

**Consent Agenda:** - All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so request, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda,

**2008102.** Consider minutes of August 19, 2008 workshop and special council meeting.

**2008103.** Consider minutes of August 25, 2008 special council meeting.

**2008104.** Consider an Ordinance of the City Council of the City of Forest Hill, Texas, approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp, Mid-Tex Division regarding the company's rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; approving Atmos' proof of revenues; adopting a savings clause; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the company and legal counsel.

Motion was made by Mayor Pro Tem Sami to approve consent agenda items 2008102, 2008103 and 2008104. Seconded by Council Member Joubert, and **passed** as follows:

Ayes: Council Members Dalcour, Thomas, Joubert, Masimini, Sanders, Mayor Pro Tem Sanders and Mayor Gosey

Nays: None

**Deliberation Agenda:**

**2008105. Discuss and consider contract with Mobilitie Investments II, LLC.**

The City received three bids for the lease acquisition for cell towers located on city property. They were Capital Wireless Partners - \$456,000; Unison - \$440,820 for water tower sites and \$83,018 for fire station location (note – Mobilitie will not release their lease rights for this tower, so this portion of the bid is moot.); and Mobilitie \$519,934.

Motion was made by Council Member Thomas to award the bid to Mobilitie and enter into a contract for the lease acquisition for cell towers located on city property. Seconded by Council Member Joubert and **passed** as follows:

Ayes: Council Members Dalcour, Thomas, Joubert, Masimini, Sanders, Mayor Pro Tem Sami and Mayor Gosey

Nays: None

**2008106. Discuss and consider allowing TAC Energy Solutions to move forward with an energy efficiency study for the City.**

The City went out for Request for Qualifications for City Wide Infrastructure Improvement and received three. They were from Honeywell Building Solutions, TAC Energy Solutions and Chevron Energy Solutions. The staff had made a recommendation to enter into an energy efficiency study with TAC; however during discussion with the council and representatives from TAC and Chevron, it was discovered that TAC's parent company, Schneider Electric was located in France.

Motion was made by Council Member Joubert **not** to move forward with TAC and for the City Manager to come back at the next council meeting with additional companies. Seconded by Council Member Thomas and **passed** as follows:

Ayes: Council Members Dalcour, Thomas, Joubert, Masimini, Sanders, Mayor Pro Tem Sami and Mayor Gosey

Nays: None

**2008107. Discuss and consider recommendation to select Pingleton, Howard, & Co as City Auditor for the fiscal years ending 2008, 2009 and 2010.**

The City went out for Request for Proposals for Auditing Services and received three. They were from Pingleton, Howard & Co. - \$28,000; Rylander, Clay & Optiz - \$40,000; and Rutledge Crain & Co. - \$28,048 for fiscal year ending 2008.

The committee, which consisted of Council Member Masimini, Finance Director Blackwell, and City Secretary Maness, made the recommendation that the Council select Pingleton, Howard & Co as the city's auditor for a three year period beginning with fiscal year ending 2008. This was based on the cost, size of staff and timeliness in drafting the final report for Council consideration.

Council Member Masimini expressed his concerns on the lack of responses from minority companies and while he felt that the staff had performed due diligence in seeking out minority companies, in the future our Request for Proposals should include compliance guidelines for Historically Underutilized Businesses.

Motion was made by Council Member Joubert to move forward with an engagement letter with Pingleton, Howard, & Co. as city auditors for fiscal year beginning 2008. Seconded by Council Member Thomas and **passed** as follows:

Ayes: Council Members Dalcour, Thomas, Joubert, Masimini, Sanders, Mayor Pro Tem Sami and Mayor Gosey

Nays: None

**VI. RECESS INTO EXECUTIVE SESSION** - Pursuant to Section 551.071, Texas Government Code, the Council reserves the right to convene in Executive Session(s) from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

A. Pending or Contemplated Litigation or to seek the advice of the City Attorney pursuant to Section 551.071.

City of Forest Hill vs. David Vestal and Charles Gardner  
David Vestal vs. City of Forest Hill  
Municipal Court Issues

B. Section 551.074, Texas Government Code: Personnel Matters (1) To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:

Associate Judge Contract

**Recessed into Executive Session at 7:37 p.m.**

**VII. Reconvene into regular session**

Council reconvened into regular session at 8:25 p.m.

**VIII. Take any action necessary pursuant to executive session.**

Council Member Joubert made a motion to direct the City Attorney to prepare a contract for the Associate Judge. Seconded by Council Member Sanders and **passed** as follows:

Ayes: Council Members Dalcour, Thomas, Joubert, Masimini, Sanders, Mayor Pro Tem Sami and Mayor Gosey

Nays: None

**Adjournment**

With no further business to discuss, council adjourned at 8:27 p.m.

Respectfully submitted,

Approval:

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Debra W. Maness, City Secretary

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James Gosey, Mayor